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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,841	05/11/2001	Raymond F. Ratcliff III	40017660-0003	6728

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SONNENSCHN NATH & ROSENTHAL
P.O. Box #061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-1080

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/08/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,841

Applicant(s)

RATCLIFF, RAYMOND F.

Examiner

Joseph P. Hirl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are pending in this application.

2. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP page 2100-8, c 2, I 45-48; page 2100-9, c 1, I1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 14 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims contains the term "relative" which is a relative term and renders the claim indefinite.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurowski et al (US Pub 2002/0019844, referred to as Kurowski).

Claim 1

Kurowski anticipates providing an algorithm including a plurality of algorithm portions (**Kurowski**, Fig. 3; p 0061); providing data including a plurality of data portions (**Kurowski**, Fig. 3; p 0061); defining task including one of the algorithm portions and one of the data portions (**Kurowski**, p 0154); sending, responsive to a request signal from one of the data processing devices, the task to the one data processing device over the data network (**Kurowski**, p 0154); storing the task in the memory of the one data processing device (**Kurowski**, p 0155); extracting the one algorithm portion and the one data portion from the task (**Kurowski**, p 0156); retrieving, by the processor of the one data processing device, the one algorithm portion and the one data portion from the memory of the one data processing device (**Kurowski**, p 0156); performing, by the processor of the one data processing device, the one algorithm portion on the one data portion (**Kurowski**, p 0156); and providing, when the processor of the one data processing device has performed the one algorithm portion on the one data portion, the reward to a recipient associated with the one data processing device (**Kurowski**, p 0079).

Claims 2, 10, 18

Kurowski anticipates the reward being a payment (**Kurowski**, ps' 0060, 0079).

Claims 3, 11, 19

Kurowski anticipates the payment being a flat fee (**Kurowski**, p 0060;

Examiner's Note (EN): to one of ordinary skill in the art, rates charged for "other differentiated service attributes" would include an obvious flat fee).

Claims 4, 12, 20

Kurowski anticipates the payment being a recurring fee (**Kurowski**, p 0060; EN: to one of ordinary skill in the art, rates charged for "other differentiated service attributes" would include an obvious recurring fee).

Claims 5, 13, 21

Kurowski anticipates the payment being a one-time fee (**Kurowski**, p 0060; EN: to one of ordinary skill in the art, rates charged for "other differentiated service attributes" would include an obvious recurring one-time fee).

Claims 6, 14, 22

Kurowski anticipates , the payment being a CPU relative fee(**Kurowski**, p 0060) .

Claims 7, 15, 23

Kurowski anticipates the payment being a revenue sharing fee (**Kurowski**, claim 55; p 0060).

Claims 8, 16, 24

Kurowski anticipates the payment being a recurring service-sharing fee
Kurowski, claim 55; p 0060).

Claim 9

Kurowski anticipates providing instructions representing a portion of an algorithm, the instructions executable by one of the processors of the data processing devices (**Kurowski**, Fig. 3; ps 0040, 0061; EN: to one of ordinary skill in the art, programs are in essence an assembly of algorithms and a task server will assign tasks or algorithms for execution by the PC); storing the instructions in the memory of one of the data processing devices (**Kurowski**, Fig. 3; ps 0040, 0061; EN: PCs store data and algorithms); sending a portion of data to the one data processing device (**Kurowski**, Fig. 3; ps' 0040, 0061; EN: file server can be the source of the data for the PC); storing the portion of data in the memory of the one data processing device (**Kurowski**, Fig. 3; ps 0040, 0061; EN: PCs' store data); retrieving, by the processor of the one data processing device, the data and the instructions from the memory; executing the instructions, by the processor of the one data processing device, to perform the portion of the algorithm on the data (**Kurowski**, Fig. 3; ps 0040, 0061; EN: PC operation); providing the reward to the recipient associated with the one data processing device (**Kurowski**, p 0079).

Claim 17

Kurowski anticipates an originating module coupled to the data network (**Kurowski**, Fig. 3; p 0061; EN: originating module can be the assembly of file, task and app servers), the originating module capable of: i) receiving the algorithm and the data (**Kurowski**, p 0061; EN: servers are PC with memory), ii) extracting the algorithm portions from the algorithm and the data portions from the data (**Kurowski**, Fig. 3; p

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0061);, iii) sending one of the algorithm portions to one of the processing devices over the data network (**Kurowski**, Fig. 3; p 0061), and iv) sending one of the data portions to the one processing device over the data network (**Kurowski**, Fig. 3; p 0061); a result collation module in communication with the originating module and the processors (**Kurowski**, p 0061; EN: from the specification, pg 19, l 18-24, originating server and collation server may not be separated and hence the system of servers described above contains the result collation module), the result collation module capable of: i) receiving a result signal from the one processor, the result signal indicating the one processor has completed performing the one algorithm portion on the one data portion (**Kurowski**, p 0079), and ii) providing a reward signal after receiving the result signal (**Kurowski**, p 0079; EN: with the award contingent with completion of a given amount of computing time, the use of such time is the signal for award); and a reward module in communication with the result collation module to receive the reward signal (**Kurowski**, p 0079; EN: administrative processing is part of the task server), the reward module capable of: i) identifying a recipient associated with the one processor after receiving the reward signal (**Kurowski**, p 0079) , and ii) providing the reward to the identified recipient (**Kurowski**, p 0079).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hubbard US Pub 2002/0013832

Hubbard US Pub 2001/0039497

Simon et al US Pub 2003/0157976

Luciano, JR et al US Pub 2002/0111210

Soll et al US Pub 2003/0055679

7. Claims 1-24 are rejected.

Correspondence Information

8. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

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(703) 746-7290 (for informal or draft communications with notation of
"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl



September 30, 2003


RAMESH PATEL
PRIMARY EXAMINER
10/6/03
For Anil Khatri